IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 700 (S/S) of 2007

Mannu aged about 58 years S/o Late Shri Raghunath

R/o Crop Research Center, Pant Nagar

District-Udham Singh Nagar ------petitioner

Versus

1. G.B. Pant University, Pant Nagar, District Udham Singh Nagar
2. Vice Chancellor, G.B. Pant University, Pant Nagar, District-Udham Singh Nagar
3. Chief General Manager (Farm), G.B. Pant University, Pant Nagar, District-Udham Singh Nagar

-----Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Chauhan, learned counsel for the petitioner and Sri Rajendra Dobhal, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of mandamus commanding the respondent/university to get conducted the medical examination of petitioner from the medical officer for determination of exact age of petitioner and retire the petitioner from the services on the basis of age of petitioner, mentioned in the medical report.
2. Any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.
3. Award cost of the petition to the petitioner.

The facts as stated in the writ petition are that the petitioner was initially engaged on daily wage basis in G.B. Pant University as labour sometime in the year 1973 and was regularized by the respondents in service on 07.07.1987. In the year 2006, petitioner made a representation for correction of his date of birth, which is mentioned in his service book as 07.07.1947, whereas the correct date of birth of the petitioner is 20th December, 1953.

Learned counsel for the petitioner has submitted that the elder brother of petitioner is still in service of respondents and he has not yet been retired whereas the petitioner is going to be retired from service on 31st July, 2007. Learned counsel for the petitioner has further submitted that the date of birth mentioned in the service book is not correct and as such the respondents be directed to pass order for medical examination of the petitioner to determine his date of birth.

Learned counsel for the respondents, Sri Rajendra Dobhal has, however, submitted that where the employee has not passed High School, his date of birth recorded in the service book shall be deemed to be correct. Sri Dobhal has further submitted that since the petitioner was initially engaged with the University in 1973 at the fag end of his service career, he cannot apply for change of dated of birth and that it is a question of fact and the High Court should not exercise in its writ jurisdiction the question to determine the real date of birth.

Learned counsel for the petitioner has submitted that he may be permitted to make a representation before the appropriate authority for redressal of his grievances and the authority be

directed to take decision on the same within a period fixed by this Court.

The prayer is innocuous.

In the circumstances, I deem it fit and proper to direct the petitioner to make a representation before the Vice Chancellor within a period of 10 days from today and it is expected that the Vice Chancellor or any other Officer nominated by the Vice Chancellor shall take decision on the representation of the petitioner within a period of two weeks from the date of production of a certified copy of this order along with the representation.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

25.06.2007
VKS